

*Jeffrey D. Hill v. New Castle County, et al.*

C. A. No. 07-228 (GMS)

Plaintiff's Answering Brief In Opposition Of Defendants' Motion For Summary Judgment

# **APPENDIX A**

## **PART 3**

1 decision that was made out of the realm of exactly  
2 what was done, but during -- as in this capacity of  
3 this job, sometimes you have to improvise, and there's  
4 certain things that have to be done outside the scope  
5 of -- there's priority issues and thing. That's the  
6 nature of this job. Things change from time to time.  
7 And they change on a drop of a hat. Like I said, I --  
8 in my opinion, a very minor issue that was blown out  
9 of proportion by Sergeant Hyden, and I felt it was  
10 done also because I am a male performing her job.

11 Q. And so just to clarify, you think that, if it  
12 was a female, her reaction would have been different?

13 A. Possibly.

14 Q. Possibly. Do you think if it was Officer  
15 Guyton that her reaction would have been different?

16 A. Possibly.

17 MS. SANFRANCESCO: I think now is a good  
18 place to stop.

19 (Discussion off the record.)

20 (Luncheon recess taken.)

21 BY MS. SANFRANCESCO:

22 Q. You know you're still under oath right?

23 A. Yes.

24 Q. When you eventually responded to the DOR area



1 from Duncan Road were you on horseback or in your car?

2 A. If I remember correctly, I believe we were in  
3 cars. We went over there and they took our horses  
4 over there, if I remember correctly. I'm trying to  
5 remember exactly. But I think they took me and  
6 Brown's horse over there. I'm not 100 percent sure.  
7 We went over in cars because the units are actually  
8 mounted -- the radar units are actually mounted inside  
9 the cars. So they stay with that particular vehicle.  
10 So we did go from the -- in the vehicles from there to  
11 the DOR.

12 Q. So you don't have any recollection of going  
13 back to Carousel to get your horses; you think they  
14 already brought them there for you, if you remember?

15 A. Yeah. I don't remember.

16 Q. When I had asked you before about your problems  
17 with Sergeant Hyden, when they started, you indicated  
18 that was back in December of 2004, and in the  
19 complaint it references the fact that you hadn't had  
20 any problems with your performance evaluations until  
21 December of 2004. Is that your opinion that you  
22 hadn't had any problems with performance evaluations  
23 until December of 2004?

24 A. Are we talking about as capacity of a mounted



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1 officer, or are you talking about -- is that what  
2 you're talking about?

3 Q. No. In any capacity as a county police  
4 officer?

5 A. I don't recall every evaluation over the last  
6 15 to 16 years. There may have been some issues  
7 within the -- within the actual evaluation, but they  
8 were all satisfactory or above. I guess there's  
9 categories which any evaluation -- which I'm sure  
10 you've looked at, but at the end there is -- either  
11 it's unsatisfactory or it's satisfactory there's got  
12 to be a conclusion to each of those. And they were  
13 satisfactory or above. I don't recall every  
14 evaluation I've ever had, though.

15 Q. Do you recall what any issues with prior  
16 performance evaluations might have been?

17 A. No.

18 Q. Is it your opinion that Sergeant Hyden doesn't  
19 like you?

20 A. It was my opinion, yes.

21 Q. What is that based on?

22 A. It was based on the things that I've listed as  
23 well as things I've witnessed.

24 Q. The things that you've listed, you mean what's



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1 contained in the complaint?

2 A. In the complaint, right.

3 Q. And we'll go into those in more detail.

4 A. Okay.

5 Q. Explain your relationship with Sergeant Hyden  
6 from the time -- because you were already in the  
7 mounted unit by the time she got there, right?

8 A. Yes.

9 Q. So explain your relationship with her from the  
10 time you got there to the time that you were  
11 transferred from the mounted unit?

12 A. I'm sorry. Explain what?

13 Q. Your relationship with her. How would you  
14 describe your relationship with her when she first got  
15 there?

16 A. I don't recall having any problems when she  
17 first got there. The first -- like I said, the first  
18 issue I can reflect back on is the December 2004  
19 issue, and in my opinion, from then on, it went -- it  
20 gradually went downhill.

21 Q. Did you talk to her on a daily basis prior to  
22 that time, prior to December 2004?

23 A. I would -- probably.

24 Q. Did you have a good working relationship with



1 her?

2 A. I don't recall having a bad one. So, yes,  
3 prior to that date I would say I had a working  
4 relationship with her, yes.

5 Q. Did you ever joke around with her?

6 A. I don't recall if I ever really had any joking  
7 conversation with her at all.

8 Q. Are you the type of person that does joke  
9 around, or no?

10 A. Sometimes.

11 Q. Is that sort of the atmosphere of the unit? Is  
12 it the type of unit that does joke around with each  
13 other or not?

14 A. At times.

15 Q. And when does that happen?

16 A. When, what time of the day?

17 Q. Like give me some examples of how that  
18 occurred?

19 A. Somebody might say something in a joking  
20 fashion, and you know, I can't reflect on every issue.

21 Q. While you were working together during the day,  
22 in the stables, I mean --

23 A. Both.

24 Q. What about during role call?



1 A. I'm sure there has been joking circumstances,  
2 yes, but I can't reflect on any one.

3 Q. When you're out on the street with someone, do  
4 you typically pair up when you go out?

5 A. At least in a pair, yes.

6 Q. And do you talk to the person, do you joke  
7 around with that person during the day when you're out  
8 with them?

9 A. Sometimes.

10 Q. Did you ever work for a female supervisor prior  
11 to Sergeant Hyden?

12 A. Yes.

13 Q. Who was that?

14 A. The only female supervisor I can directly  
15 remember working for was Sergeant Riddell.

16 Q. Do you remember when that was?

17 A. It was in Southern Patrol. It was before the  
18 mounted. I don't remember what year. At least a  
19 couple years or so before I went into mounted.

20 Q. Can you spell Sergeant Riddell's last name?

21 A. I believe it's R-i-d-d-e-l-l.

22 Q. So it was only one female supervisor prior to  
23 Sergeant Hyden?

24 A. As a direct supervisor, yes. I mean, there's



1 been females within the chain of command, but as a  
2 direct supervisor, she's the only one I can recall  
3 working for.

4 Q. Explain the relationship between Sergeant Hyden  
5 and Corporal Hoff when you were in the unit, the  
6 mounted patrol unit.

7 A. They appeared to be very friendly with each  
8 other.

9 Q. Did Sergeant Hyden appear to be friendlier with  
10 Corporal Hoff as opposed to any other member of the  
11 mounted patrol unit?

12 A. Yes.

13 Q. How so?

14 A. Just -- it appeared to be just the -- some of  
15 the stuff that was -- I want to say some of the  
16 assignments, maybe they were offered or some of the --  
17 just seemed like the communication was better with her  
18 than with other officers.

19 Q. When you talk about some of the assignments  
20 that were offered, can you give me an example?

21 A. Assignments of -- like I said, when I say  
22 assignments is a very broad thing. It might have been  
23 whether or not she worked, what she was working, where  
24 she was working the assignment, whether or not she was





1 afforded to come in on the weekends maybe and do some  
2 extra stuff for either pay or comp time.

3 Q. When you say whether or not she was afforded to  
4 come in on the weekend?

5 A. Right. Right.

6 Q. Did Sergeant Hyden not offer other people in  
7 the unit chances to come in on the weekend or chances  
8 for comp time?

9 A. At times, yes. The way I recall finding out  
10 was usually Corporal Hoff will -- for example, might  
11 come in on a Monday. Kind of in a sort of way  
12 bragging about she was able to do this, she was able  
13 to do this on the weekend, and she got called in to  
14 maybe take care of something at the stables, something  
15 of that nature.

16 Q. Were you available for work on the weekends?

17 A. At times, yes.

18 Q. So would there have been times when Corporal  
19 Hoff would have been available and you wouldn't have  
20 been available?

21 A. I don't know that. I don't know her schedule  
22 when she's off.

23 Q. So is it possible, then, since you don't know?

24 A. I guess it's possible.



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1 Q. Do you feel that Sergeant Hyden gave other  
2 members of the mounted unit different opportunities  
3 than she gave to you aside from Corporal Hoff?

4 A. Possibly, but none that I recall at this time.

5 Q. Have you ever been disrespectful to Sergeant  
6 Hyden?

7 A. To my knowledge, no.

8 Q. Have you ever said anything, negative things  
9 about her to others in the unit?

10 A. Explain that again.

11 Q. Have you never made any negative comments about  
12 Sergeant Hyden to other people in the unit?

13 A. About some of the things I disagreed with  
14 possibly, yes.

15 Q. Can you think of any now?

16 A. I remember disagreeing with the idea of having  
17 a contest of about who could produce the most  
18 statistics, traffic tickets and things of that nature.

19 Q. Why don't you tell me about that contest?

20 A. Well, I recall that there was a contest,  
21 Sergeant Hyden said there was going to be -- well,  
22 call it a contest. Whoever produced the most  
23 statistics over a certain period of time -- and I  
24 don't recall the exact period of time.



1 Q. You don't remember when the contest took place?

2 A. Not off the top of my head. And I remember --  
3 and I don't remember exactly who -- couple officers  
4 also saying that they felt that it was such a small  
5 unit that that was probably a bad idea. It was going  
6 to cause some friction between the officers.

7 Q. You don't know who said that?

8 A. I don't remember who said that.

9 Q. Okay.

10 A. And I don't recall the time frame exactly, but  
11 it encompassed a period where Corporal Hoff had spent  
12 quite a bit of time patrolling in her vehicle, which I  
13 remember -- and like I say I don't remember the exact  
14 officers feeling that it was a lot easier -- and it --  
15 in my opinion, as a mounted officer, it is a lot  
16 easier to generate things of that nature from a  
17 vehicle versus being on a horse.

18 Q. To generate?

19 A. Traffic tickets, things of that nature.

20 Q. Did traffic tickets make up part of the  
21 contest? I mean, exactly what was the contest?

22 A. It was who could have the most contacts. When  
23 you're talking about that, tickets are part of that,  
24 yes.



1 Q. What else make up contacts besides traffic  
2 tickets?

3 A. Written warnings, written crime prevention  
4 checks, arrests.

5 Q. And you do all those things from horseback?

6 A. You can, yes.

7 Q. Have you done any of those from horseback?

8 A. Yes.

9 Q. What was the prize for the contest?

10 A. If I recall, it was either one or two comp days  
11 or a week's worth of free lunches, something of that  
12 magnitude.

13 Q. So what is your, I guess, concern about this  
14 contest relative to the relationship between Sergeant  
15 Hyden and Corporal Hoff?

16 A. Well, it reflected back on a time period where  
17 it was almost an immediate -- like it went back in  
18 time a little bit. We're going to have a contest not  
19 from this date forward. There was some time behind.  
20 And it was time when Corporal Hoff had spent a lot of  
21 that time working in her vehicle because of -- I  
22 believe because of an injury she sustained. And I  
23 recall officers in the unit having some comments about  
24 that, and that I believe Officer Hennessey was upset



1 more than -- I don't want to say more than most, but  
2 as much as most, if not more, because, I guess, he  
3 would have been close to her in statistics. I just  
4 personally felt it was a -- like I said, it was a not  
5 a good idea with such a small unit.

6 Q. Well, you said that for a portion of the  
7 contest period that Corporal Hoff was riding in a car.  
8 What about for the rest of the contest period, were  
9 any other officers riding in a patrol vehicle?

10 A. I don't know.

11 Q. Was it possible that they were?

12 A. It's possible.

13 Q. Now, you said that the prize or whatever you  
14 mean to call it was either one or two days off?

15 A. I believe it was two.

16 Q. Was it your opinion that Sergeant Hyden did  
17 this on purpose to give Corporal Hoff some time off?

18 A. Yes.

19 Q. What do you base that on?

20 A. The fact that Corporal Hoff always liked to  
21 bank as much comp time as she could and that was just  
22 what I based it on, the fact that she -- that she  
23 possibly needed some days off and that was a way of  
24 giving them to her.



1 Q. Do you have any knowledge as to whether or not  
2 she didn't have any time, that she did need some days  
3 off?

4 A. I don't recall what the comp book -- we used to  
5 keep a comp book, so I don't recall.

6 Q. At any point in time during, let's say, 2004  
7 through 2006, who would you say made the highest  
8 number of contacts in the mounted unit?

9 A. Either Officer Hennessey or Corporal Hoff.

10 Q. Aside from whether or not Corporal Hoff was in  
11 a vehicle during this contest period, it's also quite  
12 possible that she could have still been the winner any  
13 way, or Officer Hennessey, is that correct?

14 A. I don't know. You're asking me if it was  
15 possible?

16 Q. I am.

17 A. I don't know. She spent a majority in the  
18 vehicle. That's what I remember.

19 Q. And you're also telling me that at any given  
20 time either Officer Hennessey or Corporal Hoff were  
21 the highest producers in the unit?

22 A. Producing what?

23 Q. Contacts, wasn't that the subject of the  
24 contest?



1 A. Yeah. Contacts. I didn't know if you were  
2 still talking about contacts.

3 Q. Yes?

4 A. In contacts, yes.

5 Q. What other types negative things have you ever  
6 said that Sergeant Hyden or any of her directives?

7 A. And any of her what?

8 Q. Directives.

9 A. You'll have to explain what you mean  
10 directives. You mean directions or directives?

11 Q. Directions.

12 A. I don't recall what else I may have said.

13 Q. You don't recall ever criticizing any direction  
14 she may have given to you or to others as part of the  
15 mounted unit? I just want to clarify.

16 A. There could be other things, but right now,  
17 like I said, unless you have some documentation where  
18 I could reflect back on, there could be other items  
19 but right now I don't recall.

20 Q. Now, your supervisors prior to Sergeant Hyden  
21 were who?

22 A. Are we going back to when I got hired or --

23 Q. In the mounted. I'm sorry.

24 A. Okay. It was Lieutenant Crowell for a very



1 short period of time. And before that it was Captain,  
2 then Lieutenant Setting.

3 Q. What was your --

4 A. It was captain -- he's now Captain Setting,  
5 then Lieutenant Setting.

6 Q. What was your relationship like with them? How  
7 would you explain it? Is it a good relationship?  
8 Were you friendly with them.

9 A. Good professional relationship.

10 Q. Did you ever socialize with either of them  
11 outside of the mounted patrol unit?

12 A. I believe I visited Captain Setting one time in  
13 the very beginning stages to look at a barn he had  
14 built with -- like a game room type barn, but other  
15 than that, no extreme social circumstances, no.

16 Q. Did you ever attend any card games that were  
17 held at the house of Captain Setting or Crowell?

18 Sorry. What's his rank?

19 A. Which?

20 Q. Is it Lieutenant Crowell?

21 A. Yes. I was invited to a card game at Captain  
22 Setting's, but no, I did not attend.

23 Q. Did you ever socialize with Sergeant Hyden  
24 outside of work?





1 A. That I can recall, a Christmas party, a ski  
2 trip. There could have been other times that were  
3 brief but not that I recall.

4 Q. How did you get along with everyone in the  
5 unit? And I'm talking about the years 2004 through  
6 2006?

7 A. It differed in time frames.

8 Q. How so?

9 A. Before the complaint, relations with my  
10 co-workers were very simple. After the complaint and  
11 the fact that it's my opinion that it took Captain  
12 Hitch so long to get around to investigating it, there  
13 was a lot of tension within the unit just based on the  
14 fact that the complaint was there. So at that time I  
15 felt that there might have been some strained  
16 relationships with some of the members of the unit.

17 Q. What do you mean by the relationships were  
18 simple?

19 A. There was not as much, I want to say, friction.  
20 Like there's not so much tension in the air.

21 Q. Are you saying that you had tension with other  
22 members of the mounted unit aside from your perceived  
23 tensions with Sergeant Hyden, after you filed the  
24 complaint?



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1 A. Not outwardly. It just, like I said, seemed  
2 like there was tension within the unit. I -- and this  
3 is my opinion that I felt certain officers and I --

4 Q. Like who?

5 A. Like Officer Hennessey just my -- I felt that  
6 he felt that my complaint was causing friction and he  
7 distanced himself from me as a personal friend.

8 Q. Did he ever discuss this with you?

9 A. Not that I recall.

10 Q. Did you ever have discussion with him at all  
11 about the complaint?

12 A. At one time I remember having a discussion with  
13 him, yes.

14 Q. And what was the nature of that discussion?

15 A. It was after I was transferred out, and I was  
16 down Myrtle Beach and he was there as well with some  
17 friends. And I remember him saying something of the  
18 nature that I hadn't telephoned him in a while. And I  
19 just explained to him that, you know, we have each  
20 other's number and, like I said, I felt that he had  
21 distanced himself from me prior to me being  
22 transferred out because of his treatment towards me  
23 while I was in the mounted unit. And I told him about  
24 it. I said this -- you know, he asked me what was



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1 wrong, and I just said I didn't think -- my impression  
2 from him from when I was -- the latter part of the  
3 mounted unit, was he didn't want to be my friend any  
4 more. My opinion was because he felt that I  
5 so-called, quote/unquote, rocked the boat.

6 MR. MARTIN: Off the record.

7 (Discussion off the record.)

8 BY MS. SANFRANCESCO:

9 Q. Had your attitude or your demeanor in the  
10 mounted unit changed from the time that you filed the  
11 complaint to the time that you were transferred?

12 A. Probably so.

13 Q. How so?

14 A. Well, the unit was somewhere, like I said, I  
15 strived to be for a long time. So the treatment I was  
16 receiving from Sergeant Hyden and after filing the  
17 complaint, the tension that was in the air, like I  
18 said, it just -- it made me curious as to why I  
19 received this treatment. So I was stressed.  
20 Stressed -- it created a stressful environment for me.

21 Q. So how did you act at work? If it was  
22 different, how did you act?

23 A. I don't recall exactly how I acted. I know I  
24 was stressed. I don't know how it projected to other



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1 people, but that's how I felt.

2 Q. Would you describe yourself as aloof or I  
3 believe in the grievance level the term was used that  
4 you were in a fog. Does that ring any bells with you?

5 A. It does ring some bells.

6 Q. When did that happen?

7 A. When did?

8 Q. This was after you filed the complaint, that's  
9 how you felt?

10 A. I felt like that prior to filing the complaint.  
11 It just didn't -- in my opinion it didn't hit home  
12 until the meeting that Sergeant Hyden had with me  
13 where I felt she threatened to have me thrown out of  
14 the unit. That's when the stress went to a different  
15 level for me.

16 Q. Did you feel that you were in a fog prior to  
17 filing the complaint?

18 A. At times.

19 Q. And your feeling was based on stress or some  
20 other reason?

21 A. Well, like I said, there were incidents that  
22 had occurred since December 2004, which made me feel  
23 that way. As they became more frequent, I would say  
24 that the stress level went up on me. So did I go from



1 a -- as you said, a fog, I -- the stress level went  
2 up.

3 Q. When you were in the this fog, can you remember  
4 what your attitude was towards work or what your  
5 demeanor was while at work?

6 A. It varied. I would assume it varied from  
7 different places at different times.

8 Q. How about during role call?

9 A. It could have differed in role call.

10 Q. How so?

11 A. I said it could have. I don't recall how if  
12 differed. I said it could have differed.

13 Q. How did Sergeant Hyden treat you after you  
14 filed the complaint?

15 A. As long as it was work-related, strictly  
16 business. There were times when we would -- after the  
17 complaint was filed, that we would maybe do a trial  
18 ride or training with the horses where it just  
19 appeared that Sergeant Hyden was willing to assist  
20 other people but alienated me, especially if we did  
21 something on sort of like a work-related personal  
22 thing like trial rides. They're work. They are  
23 something we do, and we take the horses out and let  
24 them run. But they're also kind of personal because



1 we're not on the street, doing complaints. Any time  
2 we did that after the complaint I was totally  
3 alienated. I wasn't spoken to.

4 Q. Was there time that you needed assistance that  
5 she didn't help you during the trial rides?

6 A. I don't think "assistance" is a good word. It  
7 wasn't about assistance. The trail ride is a -- is  
8 different than a -- you're not out looking to -- as  
9 much looking for help with different gaits of the  
10 horses or things of that nature. It's a trial ride.  
11 It's relaxing trail ride where it's for the benefit of  
12 the horses as well. So it was like out in the field  
13 or through the woods or things of that nature.

14 Q. Did she not talk to you during this time?

15 A. After the complaint, never.

16 Q. Did she talk to everyone else on the unit who  
17 was out on the trail ride?

18 A. One particular trial ride I did notice that.

19 Q. Did she talk to everyone but you?

20 A. On one particular trail ride, yes.

21 Q. Do you remember who was on that trail ride?

22 A. People in the mounted unit. I don't know if  
23 everybody was there that day, but it's a unit-  
24 participated trail ride.



1 Q. Do you remember discussing with anybody, hey,  
2 Sergeant Hyden talked to everybody but me on this  
3 trial ride? Did you ever discuss that?

4 A. I may have, but I don't recall if I did.

5 Q. Are there any other ways that you can think of  
6 that she treated you in a certain way after you filed  
7 the complaint?

8 A. Not that I can recall.

9 Q. Now before the complaint, had you been on a  
10 trial ride with Sergeant Hyden before?

11 A. I'm sure I have, yes.

12 Q. And did she always talk to you for the other  
13 trail rides?

14 A. I remember being at least talked to. Like I  
15 said, we are all in a group. It's not like we are a  
16 separated when we are out on a trail ride. So that  
17 one incident stood out in my mind, but other ones,  
18 there might have been times I don't recall.

19 Q. Was it your opinion that she was intentionally  
20 alienating you on that trail ride we just discussed?

21 A. Yes.

22 Q. Why do you think that is?

23 A. It is my opinion that Sergeant Hyden was trying  
24 to point out to maybe her -- maybe point out from her



1 standpoint that I was a problem and I was -- being the  
2 fact that I made this complaint against her, that that  
3 was causing friction in the unit, and it was my fault  
4 that there was friction in the unit.

5 Q. But it's your opinion she was trying to convey  
6 that by not talking to you during a trail ride?

7 A. As well as changing things that occurred around  
8 the office.

9 Q. Like what?

10 A. Where somebody may, I say, get dressed.  
11 Partially sometimes times we would get -- we didn't  
12 have very good facilities for locker rooms. So there  
13 would be times where people might not be completely  
14 clothed, and we always just kind of did it. But it  
15 just -- I remember her -- it was shortly after I made  
16 the complaint, and I don't remember how many days.  
17 She had a meeting with the unit and she said, "From  
18 this day on things are going to change. No more  
19 joking around." Something of that nature. And  
20 everything is by the book. And this was within days  
21 of the complaint. So that was my opinion that she  
22 was -- you know, I made the complaint -- was trying to  
23 alienate me from the rest of the unit.  
24 Q. Is it your opinion that she changed the place





1 where people got dressed because you made a complaint?

2 A. Partially.

3 Q. Partially. Is there another reason?

4 A. I don't know.

5 Q. How can you say partially then?

6 A. Because the meeting and the dates of the change  
7 was right after I made the complaint. We had been  
8 getting dressed like that in that forum for years.

9 Q. But you're not aware any other reason why she  
10 would have decided to the change the dressing?

11 A. If there was another reason, she didn't explain  
12 it.

13 Q. Did she do anything else that was different, in  
14 relation to you?

15 A. Like I said, it just alienated me, in my  
16 opinion, from other -- like I said, trail ride was an  
17 example. There could be other things, but like I  
18 said, off the top of my head, I don't recall any other  
19 exact examples, but there could be.

20 Q. And you filed the complaint in December of '05  
21 or earlier?

22 A. No. It was October '05.

23 Q. So it was after this point that that's when  
24 that happened?



1 A. Yes.

2 Q. Is it your testimony that Sergeant Hyden  
3 alienated you from the time you filed a complaint  
4 until the time you were transferred out of the mounted  
5 unit?

6 A. At times.

7 Q. And what was she like at other times?

8 A. If it was work-related, obviously we had to  
9 have a relationship. So we did. If it wasn't  
10 work-related, sometimes yes, sometimes no.

11 Q. Did you ever socialize with her outside of work  
12 after you made the complaint? You had mentioned a ski  
13 trip earlier.

14 A. Yes. Yes.

15 Q. When was that?

16 A. You know, I think it was -- I think it was  
17 after Christmas but before January. It was right in  
18 that time frame between the end of '05 and '06. It  
19 was right -- I forget the exact dates.

20 Q. So you had filed the complaint and then at some  
21 point thereafter you went on a ski trip?

22 A. Yes.

23 Q. And Sergeant Hyden was on the ski trip?

24 A. Yes.



1 Q. Who else was on the ski trip?

2 A. Everybody in the mounted unit with the  
3 exception of I think it was Officer Guyton.

4 Q. Where did you go?

5 A. Poconos? I think it was the Poconos.

6 Q. How did you get there?

7 A. We drove in, I think, two or three vehicles.

8 Q. Did you drive in the vehicle that Sergeant  
9 Hyden was in?

10 A. No. Well, not to there I did not, no.

11 Q. Did you drive with her coming home from there?

12 A. No.

13 Q. Did you spend any time with her in a vehicle  
14 during the trip?

15 A. Yes. Very short period of time.

16 Q. Did she talk to you?

17 A. I don't recall. It was a trip up the mountain  
18 in my truck. So everybody was in there. I don't  
19 recall if she talked to me exactly.

20 Q. Did you ever go skiing with her while you were  
21 there?

22 A. Yes.

23 Q. Did you ride up on the chair lift with her?

24 A. I think so.



1 Q. Did you talk to her on the chair lift, or did  
2 she talk to you?

3 A. I believe we talked.

4 Q. How was she when you talked.

5 A. Normal.

6 Q. Normal as opposed to?

7 A. Not how it was -- not how things were being  
8 dealt with at work.

9 Q. And did you guys stay at a hotel or a condo or  
10 where did you stay?

11 A. Some kind of like townhouse, rented townhouse.

12 Q. And all of you stayed in the one townhouse?

13 A. Yes.

14 Q. How did Sergeant Hyden treat you during your  
15 stay at the townhouse?

16 A. Normal as opposed to, I'd say, work.

17 Q. Did you do --

18 A. As opposed to work, working environment.

19 Q. Just to clarify for the record, the way she  
20 treated you with the working environment was different  
21 how?

22 A. I was more alienated at work.

23 Q. But she didn't alienate you while you were on  
24 the ski trip?



1 A. No. Not to my knowledge, no.

2 Q. Did you share meals with her during the ski  
3 trip?

4 A. Yes.

5 Q. Did she prepare meals for you?

6 A. I believe her and -- I believe she did, yes.

7 Q. And did you interact with her throughout that  
8 ski trip?

9 A. Yes.

10 Q. Why do you think it was that she treated you  
11 this way on the ski trip but you're saying she was  
12 treating you differently at work?

13 A. Different environment, the fact that we were  
14 all there, possibly the holidays. I'm guessing on her  
15 opinion. I don't -- I don't know. That's...

16 Q. Is it your opinion that she still didn't like  
17 you during this time?

18 A. Yes, to a certain extent.

19 Q. You've indicated before that, after the  
20 complaint was filed, there was some strained  
21 relationships because it took Captain Hitch so long to  
22 investigate your complaint. Can you explain what you  
23 meant by that?

24 A. Well, from the time I made the first complaint,



1 which was verbally to Captain Setting, there was a few  
2 weeks at least that went by, and I received a  
3 telephone call from Captain Setting. Telling me that  
4 he was being relieved of his duty as the mounted  
5 commander and Captain Hitch was taking over and that  
6 he would be in contact with me fairly shortly to  
7 follow up on my investigation.

8 Q. So if you made the complaint to Captain Setting  
9 in October of 2005 --

10 A. Right.

11 Q. -- do you remember when you initially made that  
12 complaint?

13 A. The exact date, no. Like I said, it was on the  
14 phone.

15 Q. Would it have been on or about October 26,  
16 2005, towards the end of October?

17 A. Possibly.

18 Q. So your understanding is that Captain Setting  
19 didn't contact you until a few weeks after that,  
20 again, in follow-up to your complaint?

21 A. Sometime in that range. I'm not sure exactly  
22 how long it was before he contacted me.

23 Q. Would it be likely that it was in the next  
24 month sometime, November?



1 A. Probably in November.

2 Q. And then Captain Hitch took over, and do you  
3 know when Captain Hitch took over the mounted unit.

4 A. No, not the exact date.

5 Q. And when did Captain Hitch contact you about  
6 your complaint?

7 A. I believe it was sometime in December. I'm not  
8 exactly sure.

9 Q. And how did he contact you and what did he say?

10 A. I think it was originally by phone, and he  
11 asked me to put it in a drafted style memo, my  
12 complaint.

13 Q. And you eventually did put that complaint in  
14 writing, is that correct?

15 A. Yes. Part of it.

16 Q. You kept some of it out?

17 A. No.

18 Q. What did you do?

19 A. At the conclusion of the memo, he had a meeting  
20 with me to elaborate further on the complaint.

21 Q. And you discussed other things with him at the  
22 meeting?

23 A. A lot of other things.

24 Q. I don't mean to jump around, but I don't want



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1 to get ahead of myself, so I'm going to ask you some  
2 other questions. But we will go back into your  
3 complaint in detail.

4 The mounted unit, generally what exactly  
5 do you do there, or did you do there?

6 MR. MARTIN: Can you give us a time frame  
7 that you are looking into?

8 MS. SANFRANCESCO: Just talking about the  
9 unit as a whole, what they do as opposed to what other  
10 units in the police department do.

11 A. Well, first and foremost, they work on  
12 horseback primarily. Different patrol functions and  
13 enforcement, demonstrations, parades, competitions,  
14 things of that nature.

15 Q. You patrolled on horseback and off horseback?

16 A. I'm sorry?

17 Q. You patrolled on and off horseback?

18 A. When?

19 Q. When you were in the mounted unit?

20 A. At times. Mostly horseback, but other times  
21 off horseback.

22 Q. At the time you left the unit, who were the  
23 officers of the unit?

24 A. When I left, it was Corporal Hoff, Sergeant





1 Hyden, Corporal Hoff, myself, corporal -- well,  
2 Officer Hennessey, Officer Guyton, and Officer Brown.

3 Q. Had there ever been any issues with the  
4 viability of the mounted unit?

5 A. What?

6 Q. The viability of the mounted unit?

7 A. Had --

8 Q. Had there ever been any issue as to whether or  
9 not the unit was in danger of being cut out or whether  
10 or not they were going to do away with it?

11 A. There had been discussions, yes.

12 Q. When was that, do you know?

13 A. There's always -- seemed like there was  
14 discussion on different times.

15 Q. Do you know why that was?

16 A. No, I don't.

17 Q. What was the name of your horse when you were  
18 in the unit, when you left, let's say?

19 A. My primary mount was Darby.

20 Q. Had that changed over the years? I mean, had  
21 you had different horses?

22 A. Primarily, no. He was my primary horse. I  
23 utilized other horses before for different reasons,  
24 but he was my primary mount.



1 Q. That's a male horse?

2 A. Mount? He's my horse.

3 Q. What --

4 A. He's my primary mount. I'm sorry. My primary  
5 horse, yes.

6 Q. Darby was a male?

7 A. Oh. Yes.

8 Q. You're saying he. I just want to make sure.

9 Explain the atmosphere out there. And the  
10 reason I'm asking is because, you know, you're not a  
11 typical unit where you're in police headquarters but  
12 you're out at Carousel Park. How is that different  
13 from your typical unit in the police department?

14 A. How is the mounted unit different?

15 Q. Yeah.

16 A. Well, we are the ones that patrol on horseback  
17 with animals. I mean, there are K9 officers, but we  
18 patrol on horses. It's in a different location than  
19 headquarters. It's -- I'm -- go ahead. I'm sorry.

20 Q. What's the atmosphere like?

21 A. I'm not sure I understand what you're saying.

22 Q. Is it a casual working environment? Is it a,  
23 you know, strict working environment?

24 A. It depends on what facet of where you are



1 during the day, what you're doing.

2 Q. How would you compare it to patrol work that  
3 you are doing now?

4 A. How would I compare it on what level?

5 Q. On any level.

6 A. It's different. The hours are different. What  
7 you -- how you patrol is different. The areas you  
8 patrol are different. The danger level is different.  
9 What you're responding to is different. There are a  
10 lot of different things between the two.

11 Q. You explained that Darby was a male. Did you  
12 have a preference for male horses or female horses?

13 A. Not that I can recall. We didn't have that  
14 many. But I don't recall if I had a preference  
15 between male or female horses.

16 Q. What's your relationship with Corporal Hoff?

17 A. When?

18 Q. Let's start with, how long have you known  
19 Corporal Hoff?

20 A. We attended high school together, I think, one  
21 year. But we knew each other but not really that  
22 well. We kind of knew of each other. It was a small  
23 school. So we didn't -- we weren't personal friends.

24 Q. After high school, when was the next time that



1 you saw her, or had you seen her throughout the years?

2 A. I remember she used to work at Macy's. I think  
3 it was Macy's at the Christiana Mall. I'd seen her  
4 there before. She used to date a friend of mine. I  
5 had seen her there before.

6 Q. Who was that?

7 A. Lieutenant Schrieber.

8 So I had seen her around, like I said.

9 Q. Had she dated Lieutenant Schrieber prior to  
10 becoming county police officers or was it during?

11 A. During.

12 Q. Did you and Corporal Hoff go to the academy  
13 together?

14 A. We were -- yes and no. Well, the academy, yes.  
15 We were hired at different times, but we did start the  
16 academy at the same time, yes.

17 Q. When were you hired? When was she hired?

18 A. I was hired September -- I believe the exact  
19 date was 28th, 1992.

20 Q. Do you know when she was hired?

21 A. The exact date of the academy start, I don't  
22 recall, but it was January of '93.

23 Q. Is that considered her start date?

24 A. For her I believe it was, yes.



1 Q. Why is that?

2 A. There were some people they hired early. There  
3 was probably four or five of us that worked around the  
4 building doing different tasks. Like I said, there  
5 was -- I was the first one hired. Then other officers  
6 were hired between September and January. Then the  
7 rest of the people's start date was on the first day  
8 of the academy.

9 Q. But you were both in the academy class?

10 A. Yes.

11 Q. Would consider her a friend?

12 A. When?

13 Q. Did you ever consider her a friend?

14 A. At times, absolute -- at times, yes.

15 Q. How about now?

16 A. I don't know.

17 Q. You don't know?

18 A. I don't know. I don't have -- I don't work  
19 with her any more, so I -- I brush paths with her  
20 maybe once, maybe once or so. I don't even recall.

21 Q. Would you say there was ever a sense of  
22 competitiveness between you a Corporal Hoff?

23 A. From her, yes.

24 Q. How about from you?



1 A. No. Not that I recall.

2 Q. Did it matter to you how she did her job?

3 A. At times.

4 Q. Can you explain why?

5 A. Well, in my opinion it sometimes, in result of  
6 doing her jobs, she would make every effort to -- I'm  
7 talking about the overall job, not just talking about  
8 patrol. She would go out of her way to make other  
9 officers try to look bad.

10 Q. How would she do that?

11 A. Just she was competitive with everything,  
12 everything, and she would make it known that she was  
13 better than everybody else at -- in her mind at  
14 everything, just about everything.

15 Q. Can you think of any examples of how she did  
16 that?

17 A. Different officers handle different things  
18 differently, how they get their work done. Maybe -- I  
19 can't recall every incident. If she did something  
20 that was good, let's say, or maybe grabbed a good  
21 arrest or maybe shined her boots at home instead of at  
22 work, she would just brag about how maybe hers were  
23 shinier. In my opinion, that was fine that she was  
24 shiny, but she'd point out everybody else was subpar.



1 Q. Did she ever point out that you were subpar?

2 A. Yes.

3 Q. On what occasions?

4 A. Several occasions, all of which I don't recall.

5 Like I said everything -- most everything in my  
6 opinion was competition. So there was so many things  
7 that -- I believe other officers had verbalized the  
8 same opinion as well.

9 Q. Other officers on the mounted patrol unit?

10 A. Yes.

11 Q. Do you remember any of those officers?

12 A. No. I do recall Sergeant Hyden having a  
13 meeting with us in regards to that exact topic.

14 Q. How did that meeting take place?

15 A. From what I can recall, she had the meeting  
16 with us.

17 Q. Sergeant Hyden had the meeting with you?

18 A. Yeah.

19 Q. Is it your testimony that she initiated that  
20 meeting?

21 A. I don't recall who initiated.

22 Q. Do you know where the meeting was or when it  
23 was?

24 A. No. In the mounted office. I don't recall the



1 exact time.

2 Q. What was the meeting about?

3 A. I don't recall the exact -- what was said, but  
4 it was the topic was how she was -- how other officers  
5 felt about how Corporal Hoff was acting and her  
6 competitive nature towards everybody.

7 Q. Was Corporal Hoff's work ethic ever an issue  
8 during that meeting?

9 A. I don't recall.

10 Q. How would you describe Corporal Hoff's work  
11 ethic?

12 A. On what level?

13 Q. Well, how would you characterize her as a  
14 police officer?

15 A. Depends on what you're doing. And it all  
16 depends.

17 Q. Was she the type of person who would go out of  
18 her way to get things done or who would she wait and  
19 let other people do things for her?

20 A. She would get things done.

21 Q. How about her contacts? You said she was a  
22 high producer in terms of contacts?

23 A. Certain things, yes.

24 Q. Was that fairly consistent?





1 A. I believe so.

2 Q. You worked with her on the mounted patrol. Did  
3 you work with her in any other capacity before you  
4 were in the mounted unit?

5 A. I don't think so.

6 Q. Are you aware of what others may think of  
7 Corporal Hoff's work ethic, how she performs as a  
8 police officer?

9 A. Well, different levels. There's a lot of  
10 different levels, like I said. Everybody felt that  
11 her -- that she was a very cutthroat individual and  
12 that was relayed lots of times. You'd hear people  
13 talk.

14 Q. Cutthroat in terms of her personality?

15 A. Yes.

16 Q. What about how she was as an officer? Would  
17 you want her to back you up if you were in a dangerous  
18 situation or a --

19 A. It depends on when. Towards the end of my time  
20 frame in the mounted unit, I would probably likely say  
21 maybe not.

22 Q. Towards end of your time in the mounted unit,  
23 you've already discussed how you had changed somewhat.  
24 Let's talk about before you filed the complaint.



1 Would your opinion be different then?

2 A. Possibly.

3 Q. What role if any did Corporal Hoff play in  
4 connection with the matters leading up to your  
5 complaint?

6 A. Repeat that, please.

7 Q. What role, if any, did Corporal Hoff play in  
8 connection with the matters leading up to your  
9 complaint?

10 A. She's -- well, she was witness to lots of  
11 things that occurred. She was in the mounted unit.  
12 So that's the main issue. She witnessed a lot of  
13 things. And like I say, it's my belief that she  
14 reported directly to Sergeant Hyden on a lot of  
15 different topics.

16 Q. At Sergeant Hyden's request or on her own?

17 A. I don't know.

18 Q. You think she told Sergeant Hyden things about  
19 you?

20 A. Yes.

21 Q. You think she did that -- you had talked about  
22 earlier about how you think that she did things to  
23 make other officers look bad. Do you think she was  
24 trying to make you look bad to Sergeant Hyden?



1 A. At times.

2 Q. Why do you think she was trying do that?

3 A. My opinion is to make herself look better and,  
4 being that I'm senior to her, possibly have me put out  
5 of the unit.

6 Q. Did you ever do anything to make Corporal Hoff  
7 look bad?

8 A. Not that I recall.

9 Q. Misty was a horse that was donated to Carousel,  
10 right?

11 A. Yes. I believe so.

12 Q. Do you recall when she was donated?

13 A. Not the exact time, no.

14 Q. When did you first learn that she was being  
15 donated?

16 A. I don't recall.

17 Q. Do you remember who your horse was when she was  
18 donated?

19 A. I believe my horse was Darby.

20 Q. Do you know who everyone else -- who their  
21 horses were at the time?

22 A. I believe Officer Guyton, Walton, horse was  
23 Walton. Officer Hennessey, there was a time frame  
24 between horses where one horse had passed away. So I



1 don't recall. I think we had Ben then, but I'm not  
2 sure. Officer Brown was Elvis. I don't know who  
3 Sergeant Hyden was riding then, what horse.

4 Q. How about Corporal Hoff?

5 A. She was riding Laura.

6 Q. Did you express an interest in riding Misty to  
7 Sergeant Hyden?

8 A. Well, we immediately learned that the horse was  
9 going to be -- Darla was going to be riding the horse,  
10 so, no, not at that time.

11 Q. What do you mean you immediately learned?

12 A. I remember the horse being in one of its stalls  
13 and the first time I remember seeing the horse and I  
14 don't remember who made the statement. I said, "Wow,  
15 that's a nice looking horse." Somebody in the  
16 mounted, I don't remember who, other than Corporal  
17 Hoff, said, "Don't bother. That's Darla's horse."

18 Q. Had it already been assigned to Corporal Hoff  
19 at that time?

20 A. To my knowledge that's what that meant, yes.

21 Q. Did you ever have an opportunity to ride Misty?

22 A. During training, yes, I did.

23 Q. Was she already assigned to Corporal Hoff at  
24 this time?



1 A. In my opinion she was.

2 Q. But you don't know that for a fact?

3 A. She rode her primarily, so I would say it was  
4 my opinion that she was.

5 Q. What's your understanding of how Corporal Hoff  
6 got to ride Misty or got to be assigned to Misty?

7 A. I don't know. My opinion is she was riding  
8 her. There was no -- I don't know how. I don't know  
9 how it occurred that she was assigned to that horse.

10 Q. What about Tonka, when did Tonka arrive at  
11 Carousel?

12 A. I don't remember the exact time.

13 Q. Was it any time between 2004 and 2006?

14 A. It may have been. I don't remember the exact  
15 time we got Tonka. It might have been around that  
16 time frame. If you have some documents you can show  
17 me when he was there, I would be able to reflect  
18 easier on that.

19 Q. Was Tonka assigned to anyone?

20 Was Tonka a male or female horse?

21 A. Male.

22 Q. When Tonka arrived at Carousel, was he assigned  
23 to anyone?

24 A. No.



1 Q. Did anyone or did everyone ride Tonka?

2 A. At different times.

3 Q. And when you'd get to ride the horse, I mean,  
4 what do you do? Do you get on patrol, go out to the  
5 courtyard? What do you do?

6 A. It depends on the horse's level of experience  
7 with patrol.

8 Q. Do you recall what everybody did with Tonka?

9 A. Everybody probably spent different time levels  
10 with the horse, sometimes taking the horse out on  
11 patrol or around the barn and then patrol to try to  
12 get the horse acclimated to police work.

13 Q. Do you think you did that as well?

14 A. Yes.

15 Q. The complaint indicates that you trained Tonka  
16 prior to a competition. Do you remember what  
17 competition that was?

18 A. It was the 2005 competition, national  
19 competition.

20 Q. And how did you train her?

21 A. Well, he.

22 Q. Him. Sorry.

23 A. What happened, I was -- my horse had a  
24 discoloration on his coat. Being that I was going to



1 be the one, I volunteered to do the uniform mount  
2 judging, which is kind of a white glove inspection, I  
3 guess you could say, everything. That would not have  
4 passed for that portion of the competition. So Tonka  
5 was really the only other choice of horses that I  
6 could use, and use him for one portion, you got to use  
7 that same horse for the entire competition. So I  
8 started -- being that I knew it was just more than the  
9 mounted judging, white glove so-called. I knew I was  
10 going to have to use that horse also for equitation  
11 portions, which is like the riding ability. So I was  
12 spending -- Corporal Davis spent some time trying to  
13 get him acclimated to ring work, and I spent a lot of  
14 time doing the same. To the point I rode him so much  
15 he was -- his coat was starting to get a little worn.  
16 So I was riding him every day, just trying to get him  
17 acclimated to, like I said, that type of atmosphere,  
18 where his gaits, things of that nature, so I was  
19 riding him quite a bit training him for that portion  
20 of the competition.

21 Q. Did other people train him?

22 A. I recall other people had been on him, but I  
23 know Corporal Davis spent some time and then when,  
24 because -- I don't think we were sure right away who



1 was going to be using him, but then all of a sudden I  
2 was thrust into that capacity because I had to use him  
3 because my horse having the discoloration of the coat.  
4 So from that point in time, I rode him a lot.

5 Q. Was Tonka taken out on patrol?

6 A. During that time, I don't -- if he was, it  
7 wasn't very often because we didn't want him, I guess  
8 you can say, banged up for that portion of the  
9 judging.

10 Q. Do you consider taking the horse out on patrol  
11 to be training?

12 A. Different type of training, yes. But not for a  
13 competition like we were going to be, but yes.

14 Q. What type of training?

15 A. I'm sorry?

16 Q. What type of training if not for a competition?

17 A. Patrol work training.

18 Q. Now, the complaint also indicates that Sergeant  
19 Hyden assigned Tonka to Corporal Hoff. Is that your  
20 understanding?

21 A. When?

22 Q. I can't tell you because the complaint doesn't  
23 say. But paragraph B of the top of that page, which  
24 is page 5 of the amended complaint --





1 A. I'm sorry. Top of page 4, 5 you said?

2 Q. 5.

3 A. Okay.

4 Q. It says, "After the competition and after Tonka  
5 had been properly trained," so after the competition,  
6 we're talking the October 2005 competition?

7 A. Right.

8 Q. "Corporal Hill requested that he continue to be  
9 permitted to work with Tonka. Sergeant Hyden denied  
10 this request and assigned Tonka, now newly trained, to  
11 work with Hoff."

12 A. Okay.

13 Q. Do you know how Tonka got assigned to Corporal  
14 Hoff?

15 A. After the competition and after the horse, in  
16 my opinion, had performed very well, I was very  
17 excited about the horse and I went to Sergeant Hyden  
18 and I explained that I didn't want to forfeit my horse  
19 Darby, but I wanted to be permitted to work with Tonka  
20 as much as I possibly could because he impressed me so  
21 much during the competition. And so Sergeant Hyden  
22 told me, Darla is going to be riding or Corporal Hoff  
23 is going to be riding Tonka. To me that meant that,  
24 she was going to be working with him more than anybody



1 else, so my request -- I took that as a denial.

2 Q. Did she work with Tonka prior to the  
3 competition, Corporal Hoff that is?

4 A. I don't recall. The horse had been ridden by  
5 different people, but I'm sure she had been on him.

6 Q. Do you have any idea as to whether or not she  
7 expressed an interest to being assigned to riding  
8 Tonka prior to the competition?

9 A. Prior to the competition, I don't recall.

10 Q. The complaint also talks about last minute  
11 overtime. How was overtime offered in the mounted  
12 unit, or how did it become available?

13 A. Well, when you say overtime, you're talking  
14 about comp time as well as anything outside of your  
15 normal, in my opinion, outside of your normal  
16 workweek.

17 Q. Again the workweek was?

18 A. It depends. Anything outside of your typical,  
19 I guess you could say, 40-hour workweek.

20 Q. So how did that become available?

21 A. How did it become available? I don't know.

22 Q. Or how was it offered?

23 A. Sometimes we have people sign up for different  
24 events that may occur.



1 Q. Would a sign-up sheet go around for that?

2 A. I believe it was -- some things were just on  
3 the calendar, like the desk calendar I was talking  
4 about earlier.

5 Q. What do you mean that some things were on the  
6 calendar?

7 A. An assignment may come in, for example,  
8 possibly by phone, and somebody would write it down on  
9 the calendar, or it would come in from the  
10 administrative side of headquarters and it would get  
11 written down on the calendar.

12 Q. Who got assigned to that event once it got  
13 written down on the calendar? How did that come  
14 about?

15 A. Some -- majority of the -- sometimes it was  
16 volunteer. Sometime it wasn't.

17 Q. Would you guys sign up on the calendar that you  
18 were going to take that event?

19 A. Sometimes, yes.

20 Q. Other times how did it work?

21 A. There would be times where Corporal Hoff would  
22 come in, maybe on a Monday, explain how she was  
23 offered to come in on the weekend, do certain things.  
24 Most of those things were not the type of things that



1 were written on the calendar, not events, like parades  
2 or anything like that. Other things. And those were  
3 all by word of mouth from Corporal Hoff.

4 Q. Was Corporal Hoff the only one that got those  
5 type of assignments?

6 A. If she was outside of it, she was the only one  
7 that would come in to work and I guess, my opinion  
8 would be, talk about it, gloat about it, things of  
9 that nature.

10 Q. Is it possible that others could have received  
11 similar overtime and not come in and talked about it  
12 or gloated about it?

13 A. I don't know.

14 Q. You don't know if that's possible?

15 A. I don't know if they did. I guess it's  
16 possible.

17 Q. Is it your opinion that Sergeant Hyden offered  
18 this last minute overtime to Corporal Hoff and not to  
19 anyone else?

20 A. It's my opinion, yes, sometimes that did occur.

21 Q. What do you base that on?

22 A. I don't know if -- I can only speak from my  
23 personal experiences that I was never -- when events  
24 are on the calendar for the weekend, you know in



1 advance. So if Corporal Hoff will come in and speak  
2 about what she did on her weekend, this was something  
3 myself and possibly other officers were not aware of.  
4 So I never received any -- maybe phone calls asking if  
5 I wanted to partake in any of that.

6 Q. So this is your own personal opinion that this  
7 is how it occurred, is that correct?

8 A. No. It was, like I said, it was word of mouth  
9 from Corporal Hoff that she had done these things over  
10 the weekend. I don't know how they were --

11 Q. That's not my question. My question to you is,  
12 is it your personal belief that Sergeant Hyden  
13 intentionally offered this last minute overtime to  
14 Corporal Hoff to the exclusion of everyone else?

15 A. At times.

16 Q. That's your opinion?

17 A. Yes.

18 Q. Did any other officer express that opinion?

19 A. I don't recall if they did.

20 Q. The complaint also talks a lot about some  
21 injuries that Corporal Hoff sustained after she fell  
22 down some steps. Do you remember when the first time  
23 was you became aware that Corporal Hoff sustained some  
24 type of injury like that?



1 A. I believe she spoke about two different  
2 injuries.

3 Q. What's the first one?

4 A. Falling down steps I believe.

5 Q. Was this on or off duty?

6 A. I believe it was off duty.

7 Q. Do you know where that happened?

8 A. If I recall, it happened at her residence.

9 Q. And what was the injury?

10 A. I believe it was her back. I don't know the  
11 extent.

12 Q. How did you find out about this injury?

13 A. I believe she was spending time in the car, and  
14 I don't remember how it got talked about or who  
15 brought it up or whether she did or not. I don't  
16 recall. I just know that it was common knowledge that  
17 she was injured and hurt her back falling down at  
18 home. I don't remember the form it was discussed in.

19 Q. You don't recall if she ever told you this?

20 A. I don't recall if she told me that.

21 Q. Is it your opinion that she rode in the car  
22 because she was injured?

23 A. Yes.

24 Q. How long did she ride in the car?



1 A. I don't recall the time frame.

2 Q. Did you ever ride in the car when you were sick  
3 or injured?

4 A. Yes.

5 Q. How many times?

6 A. I recall when I pulled a hamstring and rode in  
7 the car for a short period of time.

8 Q. Was this under Sergeant Hyden.

9 A. Yes, I believe so.

10 Q. How about other people when they were sick or  
11 injured, were they permitted to ride in the car, the  
12 chase car? That's what you call it?

13 A. Yes. Probably so.

14 Q. Do you ever recall Andy Guyton, Bill Brown  
15 riding chase car when they didn't feel well or had an  
16 injury?

17 A. I recall at least Officer Guyton.

18 Q. How about Officer Hennessey?

19 A. I don't recall if he did or not I don't  
20 remember.

21 Q. This injury where Corporal Hoff fell down the  
22 stairs, was Sergeant Hyden aware of this injury to  
23 your knowledge?

24 A. To my knowledge she was, yes.



1 Q. What do you base that on?

2 A. Well, the fact that she was riding multiple  
3 days in the car.

4 Q. So multiple days now. You don't know how many  
5 days she rode in the car?

6 A. Exactly how many, no.

7 Q. The complaint on page 6, paragraph F, it states  
8 that Corporal Hoff sustained an injury -- sorry.  
9 Bottom of page 5. It's mounted unit policy for  
10 officers injured on the job or at home to be required  
11 to report to Omega. I'm summarizing. Corporal Hoff  
12 was injured after she fell down her steps. However,  
13 Sergeant Hyden permitted Corporal Hoff to continue  
14 working without being examined at Omega. Is that your  
15 opinion, that Sergeant Hyden allowed Corporal Hoff to  
16 continue working without sending her to Omega?

17 A. It is my belief that after -- yes. After a  
18 certain time period, yes, she continued to let her  
19 ride in the car.

20 Q. Do you have any facts that would support that,  
21 that Sergeant Hyden knew that she was injured and  
22 didn't send her to Omega?

23 A. Yes. There was an incident where we were in  
24 the office and Corporal Hoff was speaking freely. And





1 I do recall Sergeant Hyden being in the office. And I  
2 don't recall if there was anybody else in there or  
3 not. But Corporal Hoff had made that statement, that  
4 she had been examined by her personal doctor and that  
5 his opinion was she shouldn't be riding anymore,  
6 riding horses anymore, and...

7 Q. Corporal Hoff was saying this in the office?

8 A. Yes.

9 Q. To who?

10 A. To -- she was saying it as a general. I don't  
11 know if she was directing it at Sergeant Hyden or not.  
12 I recall that I was -- it wasn't like -- I was doing  
13 something. I don't remember what, but something.  
14 Very small office. I heard it. I heard her say that.  
15 And I was on the other side of the office. So I  
16 assumed anybody else that was in there heard the same  
17 thing that I did.

18 Q. So do you have any knowledge one way or the  
19 other whether Corporal Hoff was ever examined by  
20 Omega?

21 A. I believe she was eventually.

22 Q. Eventually.

23 Now, paragraph F on page 6 talks about it  
24 was not until Captain Settings -- it says Settings,



1 but assume you mean Setting -- caught wind of her  
2 injury and actually called Sergeant Hyden and asked  
3 what was going on with Corporal Hoff's injury that  
4 Sergeant Hyden finally sent Corporal Hoff to Omega.  
5 Is that your understanding?

6 A. Yes.

7 Q. How did you become aware of that?

8 A. She hadn't been to Omega, and I believe that --  
9 exact dates I don't know. This was around the time of  
10 the complaint. I don't remember exactly when.

11 Q. Around the time of your complaint to Captain  
12 Setting?

13 A. Around the time of my complaint against  
14 Sergeant Hyden. I don't know if it was to Captain  
15 Hitch or to Setting at that point. I don't recall the  
16 exact date. But I recall that Corporal Hoff had not  
17 been to Omega, that she was still experiencing some  
18 back injuries because she talked about frequently how  
19 painful her back situation was. And like I said, I  
20 recall her saying her own doctor told her she  
21 shouldn't be riding. So I assumed that meant she was  
22 examined by her own personal doctor. I then remember  
23 Captain Setting calling over the office, and then I  
24 believe it was the very next day Darla went to Omega.



1 So it was in my opinion that Captain Setting...

2 Q. Is what's contained in this paragraph F, is  
3 that your opinion or do you have any facts that can  
4 support that? Because what you just told me was  
5 Captain Setting called the office and then the next  
6 day Corporal Hoff went to Omega. Is it your opinion  
7 that Corporal Hoff went to Omega because Captain  
8 Setting called the office that day?

9 A. I don't know if it was that day or not. But it  
10 was my opinion that Captain Setting made sure she went  
11 to Omega and got out.

12 Q. Did you ever talk about this with Captain  
13 Setting?

14 A. I believe I did talk about -- that might have  
15 been part of something I talked about when I spoke to  
16 him. I don't recall whether it was or not.

17 Q. When you had called him to make the initial  
18 complaint?

19 A. It could have been.

20 Q. So could this have been something he was  
21 following up on then?

22 A. Possibly. I don't recall if it was or not.

23 Q. Is it then your understanding that Corporal  
24 Hoff did get seen at Omega?



1 A. Yes.

2 Q. And do you know what the rules of examination  
3 were?

4 A. No. I can only assume.

5 Q. Well, did she come back to work or was she out  
6 for a while?

7 A. She came back to work.

8 Q. Was she participating as a member of the  
9 mounted unit?

10 A. Yes.

11 Q. Is it your opinion that the communication lines  
12 between Sergeant Hyden and Corporal Hoff were more  
13 open than the communications with the male officers as  
14 it says in the complaint?

15 A. Yes.

16 Q. Can you give me an example?

17 A. You could just -- well, there were times where  
18 I know Corporal Hoff explained it. She was friends  
19 with Nicole -- I am sorry -- Sergeant Hyden and took  
20 care of her dog. They took care of each other's dog  
21 from time to time. So I assumed that they had a  
22 personal relationship of that magnitude.

23 Q. Because they looked after each other's dogs  
24 that indicated a personal relationship?



1 A. That, and I think somebody -- I forget.  
2 Somebody said they went and got their nails done  
3 together or something like what.

4 Q. Are there any other examples that you can think  
5 of about their personal relationship?

6 A. Like I said, I just felt that the lines were  
7 more open. The incident on December where I didn't  
8 understand why, if Sergeant Hyden had a problem with  
9 something I had done, she had my phone number. Why  
10 not call me? Why --

11 Q. I'm sorry. What incident?

12 A. We're going back to the December with the radar  
13 incident. That's another incident where I just felt  
14 the lines were more open between Corporal Hoff and  
15 Sergeant Hyden. That was one example where everybody  
16 has each other's phone number. If I'm not where you  
17 think I should be, why not call me and ask me?

18 Q. Do you know whether or not Sergeant Hyden tried  
19 to call you that day of the radar calibration?

20 A. I don't recall her calling my cell phone.

21 Q. Is it typical for you to have your cell phone  
22 on you at all times?

23 A. At work, yes.

24 Q. Is it typical for you to have that cell phone



1 on?

2 A. On patrol, while you're on the horse and while  
3 you're possibly in a vehicle, yes.

4 Q. And at other times?

5 A. Depends on the circumstances.

6 Q. When do you have it off?

7 A. I have it off right now because we are in a  
8 deposition hearing, so...

9 Q. Is it possible that Sergeant Hyden could have  
10 tried to call you that day and your phone wasn't on?

11 A. My phone is always on. I'll say it's on 99  
12 percent of the time whether or not the ringer is on.  
13 My cell phone is equipped with caller ID. So if she  
14 would have called that day, I would have seen it.

15 Q. Nevertheless, she did communicate to you what  
16 her concerns were with you on that date, isn't that  
17 correct?

18 A. Eventually, yes.

19 MS. SANFRANCESCO: Can we go off the  
20 record a second?

21 (Discussion off the record.)

22 (Recess taken.)

23 BY MS. SANFRANCESCO:

24 Q. We had just touched on a couple of reasons as



1 to why you thought that Corporal Hoff and Sergeant  
2 Hyden were close personal friends. Who would you  
3 consider to be your close personal friends in the  
4 police department?

5 A. Probably my closest personal friend that I do  
6 things outside of work would be Lieutenant Schrieber.

7 Q. And how long have you been friends with him?

8 A. He was assigned to my squad when I got out of  
9 the academy, so I would say that summer of '93 until  
10 present.

11 Q. And you guys do things outside of work, go out  
12 for a drink, things like that, hang out on the  
13 weekends?

14 A. Sometimes.

15 Q. How did Sergeant Hyden treat the other people  
16 in the unit compared to you from December 2004 until  
17 the time you were transferred?

18 A. If I got this right, how did she treat other  
19 members of the unit?

20 Q. Mm-hmm. And we can go through them one by one.  
21 Let's start with Officer Hennessey.

22 A. Just from a standpoint of body language and  
23 just like how she interacted with him, it seemed like  
24 she liked Officer Hennessey.



1 Q. Did she like him better than she liked you?

2 A. Yes.

3 Q. Was she nicer to him than she was to you?

4 A. At times.

5 Q. Do you have any examples that maybe, you know,  
6 on a particular occasion she showed favoritism to  
7 Officer Hennessey over you?

8 A. I don't recall maybe interacting with him more  
9 than me.

10 Q. And again, this was after you filed a  
11 complaint?

12 A. Possibly.

13 Q. Do you remember any difference in the way that  
14 Sergeant Hyden treated you versus other members of the  
15 unit before you filed a complaint?

16 A. You mean in reference to the other members of  
17 the unit?

18 Q. Yes.

19 A. Yes. I mean, the first incident like I recall,  
20 like I said, was December of 2004. So there was a  
21 time span between there and the complaint.

22 Q. You're right. I mean before December 2004  
23 because you said December 2004 is when you said things  
24 started changing.





1 A. Correct.

2 Q. So before that time, how was she towards you  
3 compared to everyone else?

4 A. I don't recall exactly how. It was a long time  
5 ago. It was professional.

6 Q. Was she nicer, say, to Officer Hennessey than  
7 to you at that time as well?

8 A. I don't recall back then.

9 Q. What about Officer Guyton?

10 A. All these are prior to December 2004?

11 Q. Let's talk about both prior to and after.

12 A. Officer Guyton prior to 2004, I really don't  
13 recall. After 2004, there was incidents where he had  
14 said to me at times he felt that she didn't like him,  
15 but he didn't elaborate.

16 Q. Never said why he got that feeling he just  
17 thought --

18 A. Well, he felt that she didn't because she  
19 was -- he was one -- he remained friendly with me at  
20 work under all the circumstances. Like I said I  
21 repeated that Officer Hennessey distanced himself from  
22 me at work in the presence of Sergeant Hyden but  
23 treated me differently outside of the presence of  
24 Sergeant Hyden. Officer Guyton never treated me any



1 differently on any occasion, and he felt that -- he  
2 had expressed he felt that after the -- after the  
3 complaint was made that she took exception to the fact  
4 that he was my friend.

5 Q. Are you still friends with Officer Guyton?

6 A. Yes.

7 Q. Is he still in the mounted unit?

8 A. Yes.

9 Q. Does he ever tell you that Sergeant Hyden  
10 treats him differently or isn't nice to him?

11 A. He has.

12 Q. Since you've been transferred?

13 A. Yes.

14 Q. Can you recall any examples?

15 A. Yes. He told me -- I believe he said it was a  
16 day after I was transferred and it was in form of the  
17 role call area. They were all there. And when I say  
18 they all, I assume everybody in the mounted because I  
19 wasn't there. He said that Sergeant Hyden talked  
20 about my transfer. He said she singled him out and  
21 said, "I know you're friends with him. Is this going  
22 to be a problem?" Being that he was friends with me  
23 and I was out.

24 Q. And did he explain to you what he thought that



1 meant when she said that?

2 A. He said that he felt that it was -- he thought  
3 it was odd that she had singled him out and that he  
4 felt that possibly that, you know, like he didn't  
5 really say like kind of -- he just felt like he was  
6 singled out and he didn't think it was the right  
7 thing. He didn't say what he thought the result was  
8 going to be, no.

9 Q. But he didn't say what he sort of took it to  
10 mean, meaning what was going to be a problem?

11 A. Almost as if a possible -- my opinion was in  
12 what he said was it was a possible threat.

13 Q. That Sergeant Hyden was threatening --

14 A. Was basically saying, "I know you're his  
15 friend. He's not here. Is this going to be a  
16 problem?"

17 Q. But she didn't say is what going to be a  
18 problem?

19 A. The fact that I'm out and he was my friend.  
20 The fact that he's out, meaning me. In other words,  
21 directing at him. "Corporal Hill is out. I know  
22 you're his friend. Is this going to be a problem?"

23 Q. What did he say?

24 A. He said he didn't know what to say.



1 Q. He never responded?

2 A. He did tell me that he felt that -- he actually  
3 said he had thought that he should have been directing  
4 that question towards Officer Hennessey because he had  
5 known me for such a long period of time.

6 Q. Had Sergeant Hyden done anything else or said  
7 anything else to Officer Guyton in that respect?

8 A. About my transfer?

9 Q. No. In terms of treating him any differently?

10 A. Not that I can recall.

11 Q. Now, what about Officer Brown, once again,  
12 before December 2004 and after?

13 A. Right. His treatment was professional before.  
14 His treatment by Sergeant Hyden after 2004, I don't --  
15 it seems like it was professional in the workplace. I  
16 don't recall if anything else was -- if he was dealt  
17 with on any other level or not.

18 MS. SANFRANCESCO: I think that's a good  
19 place to stop.

20 MR. MARTIN: Okay.

21 MS. SANFRANCESCO: Unless you have an  
22 objection.

23 MR. MARTIN: No objection.

24 (Deposition ended at approximately

